

119668

June 18, 2003

URGENT MATTER

**To: George Burgess
County Manager**

**From: Lorena Marmol & Denise Catoira
1209 Sunset Drive Miami, FL 33143
(305) 661-6123**

We are respectfully asking you to please review the attached. We will be appearing tomorrow, June 19th at the BCC meeting. If not enough commissioners show up tomorrow then we will again be in limbo, and we will not be able to open up our Montessori school, and again our students will end up without a school to attend in September. We have been in this process for over a year and we are still waiting for some kind of answers and righteousness. We are posing this serious complaint to community based organizations to raise a voice against the injustice.

Sincerely yours in education,

Lorena Marmol & Denise Catoira

April 15, 2003

To Whom It May Concern:

The purpose of this letter is to inform you of the injustice, discrimination and unfair treatment we received at a Community Council No. 12 hearing on April 8, 2003, and to request assistance in exposing this treatment and being given a fair hearing.

As background information, my sister, Lorena, and I – both experienced Montessori teachers - attempted to own and operate a Montessori school in Unincorporated Dade County. In May, 2002, we found a one-acre house, located between two institutional establishments: a church and a Bilingual Co-op School shared with law offices. The property contains more than 60 oak trees and palms, making it an ideal location for teaching children about botany, nature and caring for our environment.

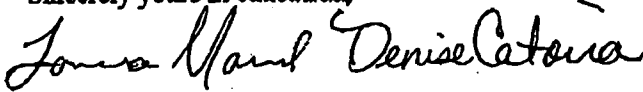
Miami-Dade County (MDC) originally informed us that the property was zoned Ru-3M, appropriate for establishing a school. They later admitted their error; it was actually zoned Eu-m. Complying with Chief Director of the Planning and Zoning Department, Al Torres, we applied to rezone the property. A zoning hearing was held on April 8, 2003, during which our attorney, Mercedes Sellek, attempted to present our case to rezone the property to operate a Montessori school.

We feel the hearing was unjustly biased and improperly handled, due to the following reasons:

- o **Lack of equal opportunity to speak:** Lead Council member, Peggy Brodour, initially stated that all presentations must be brief and to-the-point, limited to two persons having two minutes each to speak. However, a prior applicant was allowed 1.5 hours to present, and the opposition to our application was permitted 6 persons to speak, each for more than 5 minutes.
- o **Traffic:** Excessive traffic was an objection, even though MDC Public Works Department maintains it's within an urban infill area, where traffic concurrency does not apply. To alleviate traffic concerns, we would provide bus service and a semi-circular driveway for quick drop-offs and pick-ups. Additionally, approximately 85% of the 44 children involved live in the immediate area and would likely walk to school.
- o **Parking:** The objection over lack of parking is irrelevant, as we would provide three parking spaces, one handicapped space with a ramp, bus service, and a circular driveway for drop-offs. Also, we have written authorization from the church next door, whom will provide us with as many parking spaces as needed.
- o **Fear of tree removal:** The site plan clearly states that "all existing trees are to remain on the property" and complies with DERM. We value the mature oak trees and the environment they provide for learning. However, a Coral Gables activist, Deborah Lang, insisted we would cut down the trees and falsely accused us of not paying taxes on garbage pickup. Contrary to her false claims, removing 60 trees would be cost-prohibitive and we have proof of tax payments.
- o **Invalid interference:** Our attorney was advised not to attend an earlier Community Council Meeting for the City of Coral Gables because the property remains in Unincorporated Dade County and Coral Gables has no jurisdiction over us. However, Deborah Lang attended and spoke against our application and, consequently, Coral Gables opposed our application.

We have complied with the rules and regulations of all 7 departments required for approval, and have full recommendation from the Miami-Dade Planning and Zoning Department. We strongly feel that we were denied rezoning due to the unjust treatment cited above and, as Hispanic American women, our freedom of speech and equal opportunity was denied. We request your support and assistance in getting our voices heard.

Sincerely yours in education,

A handwritten signature in cursive script, appearing to read "Lora Marmol Denise Catania".

Lora Marmol & Denise Catania

RASCO REININGER PEREZ & ESQUENAZI, P.L.
ATTORNEYS & COUNSELORS AT LAW

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Alfonso J. Perez
Luis A. Pérez
Ramón E. Rasco
Steven R. Reininger*
Mercedes M. Sellek
Jorge M. Vigil

José Manuel Pallí
Of counsel

*Board Certified-Business Litigation

April 4, 2003

*1. not of
one private school
denial
Shall
we deal
in substance*

Via Hand Delivery

Nancy Rubin, Esq.
Department Legal Counsel
Miami-Dade County Department of Planning & Zoning
111 N.W. 1st Street
11th Floor
Miami, FL 33128-1974

*Encl
for file*

RECEIVED
LEGAL COUNSEL SEC.
03 APR -7 AM 8:01

Re: 1209 Sunset Drive
Applicants: Denise Catoira and Lorena Marmol
Public Hearing Number: Z2002-328

Dear Ms. Rubin:

In reference to the above captioned, enclosed please find the revisions to the Declaration of Restrictive Covenants originally submitted by Stephen James, Esq. of Akerman, Senterfitt. We have added language restricting the number of children and staggering the times for school to begin. We are not having this covenant re-executed since the signature pages were separated from the main document. I have spoken with the owners, Michael Logue and Charlotte Kassab and they are in agreement with the changes.

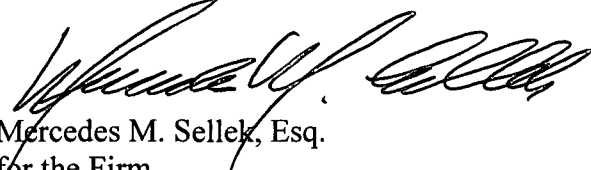
Additionally, I am enclosing for your reference, a copy of the opinion of title prepared by Akerman, Senterfitt, along with a copy of a fax received from Ms. Kassab. The property was paid off with Bank of America as evidenced by the wire transfer confirmations attached hereto. Therefore, no joinder by mortgagee will be needed since Bank of America no longer holds an interest in the property.

Nancy Rubin
April 4, 2003
Page 2

Please review the enclosures and let me know if you have any questions in connection with Tuesday evening's hearing. Thank you for your assistance.

Very truly yours,

RASCO REININGER PEREZ & ESQUENAZI, P.L.



Mercedes M. Sellek, Esq.
for the Firm

MMS/lrm

Enc.

cc.: Ms. Charlotte Kassab
Mr. Michael Logue
Ms. Denise Catoira-Sanchez
Ms. Lorena Marmol
(all with copies)

2884-0001/346461.doc

LETTER OF INTENT

November 6, 2002

Dept. of Planning & Zoning
Miami, Fl

RECEIVED
202-328
MAR 05 2003

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY BC

Dear Sirs:

Enclosed is my application requesting a zoning change from EU-M to RU-3. I have been a teacher for the past five years and have worked with children from different ethnic backgrounds and ages. I have visited many different schools in Miami and have seen wonderful teachers and students at work. Unfortunately, I have also seen the other side of the coin. Schools who do not provide properly educated teachers, are over crowded and do not provide the appropriate learning environment for our children. We are in desperate need of more qualified schools.

Due to this, my sister and I were inspired to open a Montessori school for young children. I believe we can provide a learning environment that is soothing, safe and proper. An environment that is nature oriented with its beautiful one hundred year old oak trees and beautiful grass areas. An environment in which all children can feel secure, comfortable, and loved.

Using Dr. Maria Montessori's philosophy on education and providing properly educated teachers and staff, the children will be given the opportunity to learn at their own pace, and have all their individual needs met.

If approved with your help, this school will be situated between the Riviera Presbyterian Church and a house that is used as a Bilingual Coop and law offices. It is located in an area on Sunset Drive, which has a trend of commercial use. It complies with all agency requirements such as DERM.

I hope that you can help us provide this unique environment for the children in our community. I do not believe I can change the world of education, but I do believe that together we can better it.

Sincerely,

Denise Catoira *Lorena Marmol*

Ms. Denise Catoira & Mrs. Lorena Marmol

LETTER OF INTENT

November 6, 2002

Dept. of Planning & Zoning
Miami, Fl

RECEIVED
11-3-28
NOV 06 2002

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

special Exception BY *BC*
Private school
Day Care Center

Dear Sirs:

Enclosed is my application requesting an *unusual use*. I have been a teacher for the past five years and have worked with children from different ethnic backgrounds and ages. I have visited many different schools in Miami and have seen wonderful teachers and students at work. Unfortunately, I have also seen the other side of the coin. Schools who do not provide properly educated teachers, are over crowded and do not provide the appropriate learning environment for our children. We are in desperate need of more qualified schools.

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I hope that you can help us provide this unique environment for the children in our community. I do not believe I can change the world of education, but I do believe that together we can better it.

Sincerely,

Denise Catoira Lorena Marmol

Ms. Denise Catoira & Mrs. Lorena Marmol

Child Care Check List for
Day Nursery, Day Care, Kindergarten, Private School

School Name: Cattaraugus Montessori School.

School Address: 1209 Sunset Drive Tax Folio # 30 - 4130-000-0085

1. Is this an expansion to an existing school? ☐ Yes ☒ No If yes, indicate the number of students: _____ and age and grade ranges originally approved: _____
2. Total size of site: 201 x 175 = 35,175 ÷ 43,560 sq. ft. = .808 acres
3. Number of children or students requested: 44 Ages: 3 mos to 9 yrs
4. Number of teachers: 4 number of administrative & clerical personnel
5. Number of classrooms: 4 Total square footage of classroom area: 1,545' #
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):

7. Amount of exterior recreation /play area in square footage: 17,250' #
8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:
0
9. Number of parking spaces provided for staff, visitors, and transportation vehicles:
4 parking spaces provided 4 parking spaces required by Section 33-124 (L)
10. Indicate the number of auto stacking spaces: 4 provided 4 required
11. Proposed height for the structure(s): 18' See Section 33-151.18(g)
12. Size of identification sign: 2 x 3 = 6 sq. ft. See Section 33-151.18 (c).
Signage will require a separate permit. Contact the Permit Section at 786-315-2100.
13. Days and hours of operation: Monday - Friday 7:30 AM - 5:30 pm
14. Does the subject facility share the site with other facilities? ☐ Yes ☒ No (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to Section 33-151.16.)
15. If the school will include residential uses, do such uses meet the standards provided in Section 33-151.17? ☐ Yes ☒ No (If yes, describe the residential uses and indicate same on the plans.)

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery / kindergarten, preschool and after school care

35 sq. ft. x 22 (number of children) = 770 ϕ sq. ft. of classroom area required.

- b. Elementary Grades 1 - 6

30 sq. ft. x 22 (number of children) = 660 ϕ sq. ft. of classroom area required.

- c. Junior High and Senior High School (Grades 7-12)

25 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 1430 ϕ
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 1545 ϕ

OUTDOOR RECREATION SPACE:

- a. Day nursery/kindergarten, preschool and after school care

45 sq. ft. x 11 (1/2 of children) = 495 ϕ

- b. Grades 1 - 6 500 sq. ft. x 30 (first 30 children) = 15000 ϕ

300 sq. ft. x 3 (remaining children) = 900 ϕ

- c. Grades 7 - 12 800 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (next 300 children) = _____

150 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 16,395 ϕ
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 17,250 ϕ

TREES: See Section 33-151.18(h), and the Planning Division for additional requirements (12th floor).

- a. 28 trees are required per net acre. Trees required: 9 Trees provided: 114 $+$

- b. Ten shrubs are required for each tree required. Shrubs required: 230 Shrubs provided: 350

- c. Grass area for organized sports/ play area in square feet: 2600

- d. Lawn area in square feet (exclusive of organized sports/ play area): 5000

School Address: 1209 Sunset Drive Zip Code: 33143

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 6 day of, November at Miami-Dade County, Florida.

WITNESSES:

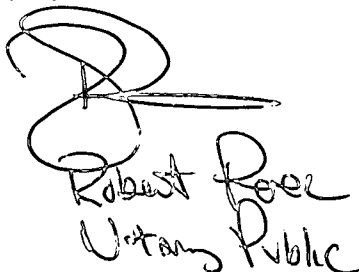


STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 6 day of November, 2002, before me personally appeared Charles Karch, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

ROBERT PEREZ
Notary Public, State of Florida
My comm. exp. Jan. 14, 2006
Comm. No. DD 084053



Robert Perez
Notary Public